

Appln No. 09/885,498  
Amdt date July 14, 2006  
Reply to Office action of June 2, 2006

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### REMARKS/ARGUMENTS

Claims 5-8 and 15-18 are pending. Claims 1-4, 9-14, and 19-20 are cancelled.

Claims 1, 2, 5-8, 11, 12 and 15-18 are rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. Specifically, it is alleged that "the phrase 'wherein N is an integer greater than one' was not described in the specification." Applicants respectfully disagree.

The specification clearly describes "a clock with the frequency (1/N) fc to a phase modulator 24. N is an integer, and it is set to 4 in this embodiment." (Page 7, lines 4-6, underlining added.). It is widely known that integer numbers are whole numbers including positive whole numbers, negative whole numbers and zero. In this case (i.e., frequency (1/N) fc), one skilled in the art would realize that N cannot be zero because that would make the frequency of the clock to be infinity, which does not make sense to one skilled in the art. Additionally, one skilled in the art would realize that a clock frequency cannot be a negative number, therefore, N cannot be a negative integer. Moreover, the specification describes that "By carrying the header information on the second clock [with a frequency of (1/N) fc)] which is slower than the data, the header can be easily extracted." (Page 3, lines 13-14, underlining added.). This means an N which is greater than one, because 1/N fc is smaller (slower) than fc. Also, as stated above, the specification provides a specific example for N, that is 4, which is greater than one. Accordingly, Applicants respectfully submit that the phrase "wherein N is an integer greater than one" is supported in the specification.

As a result, it is respectfully requested that the above rejections be withdrawn.

Claims 3 is rejected under 35 U.S.C. 102(e) as being anticipated by Habel et al. (US 6,592,273), and claims 1 and 11 are rejected 35 U.S.C. 103(a) as being obvious over Habel in view of Rybicki et al. (US 6,592,273).

Claims 1-4 and 11-12 are cancelled, therefore, it is respectfully requested that the above rejections be withdrawn.

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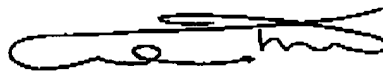
Claims 5-8 and 15-18 are allowed if they overcome the 35 U.S.C. 112, first paragraph rejection. Applicants respectfully submit that the 5 U.S.C. 112, first paragraph rejections have now been overcome, therefore, allowance of the remaining claims 5-8 and 15-18 is respectfully requested.

In short, in view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance, and accordingly, reconsideration and allowance are respectfully requested.

Respectfully submitted,

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